

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1008 be amended to read as follows:

- 1 Page 25, between lines 32 and 33, begin a new paragraph and insert:
- 2 "SECTION 32. IC 8-15-4 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]:
- 5 **Chapter 4. Bipartisan Public-Private Partnership Review**
- 6 **Commission**
- 7 **Sec. 1. As used in this chapter, "agreement" refers to the**
- 8 **following:**
- 9 **(1) A public-private partnership agreement (as defined in**
- 10 **IC 8-15.5-2-8).**
- 11 **(2) A public-private partnership agreement (as defined in**
- 12 **IC 8-15.7-2-14).**
- 13 **Sec. 2. As used in this chapter, "commission" refers to the**
- 14 **bipartisan public-private partnership review commission.**
- 15 **Sec. 3. As used in this chapter, "authority" refers to the Indiana**
- 16 **finance authority established by IC 4-4-11-4.**
- 17 **Sec. 4. As used in this chapter, "operator" refers to the**
- 18 **following:**
- 19 **(1) An operator (as defined in IC 8-15.5-2-5).**
- 20 **(2) An operator (as defined in IC 8-15.7-2-10).**
- 21 **Sec. 5. The bipartisan public-private partnership review**
- 22 **commission is established.**
- 23 **Sec. 6. The commission consists of eight (8) members appointed**
- 24 **by the governor.**
- 25 **Sec. 7. None of the members may be members of the general**

1 assembly.

2 Sec. 8. Not more than four (4) members of the commission may
3 be members of the same political party.

4 Sec. 9. (a) This section applies to the appointment of the four (4)
5 members of the commission who are not members of the same
6 political party as the governor.

7 (b) Two (2) of the members appointed under this section shall be
8 appointed from a list of six (6) names submitted to the governor by
9 the minority leader of the senate.

10 (c) Two (2) of the members appointed under this section shall be
11 appointed from a list of six (6) names submitted to the governor by
12 the minority leader of the house of representatives.

13 Sec. 10. Subject to this section, the term of a member of the
14 commission is four (4) years.

15 (b) Four (4) of the initial members of the commission selected by
16 the governor shall serve an abbreviated term. Not more than one
17 (1) of the members appointed under section 9(b) of this chapter and
18 one (1) of the members appointed under section 9(c) of this chapter
19 may be selected for an abbreviated term under this section. The
20 term of an initial member serving an abbreviated term under this
21 section expires on June 30, 2008.

22 (c) The term of an initial member not serving an abbreviated
23 term under this section expires June 30, 2010.

24 Sec. 11. The governor shall fill a vacancy on the commission for
25 the remainder of the vacating member's term in the same manner
26 as vacating member was appointed.

27 Sec. 12. The governor shall appoint the chairperson of the
28 commission. The member appointed as chairperson serves as the
29 chairperson at the pleasure of the governor.

30 Sec. 13. The expenses of the commission shall be paid by the
31 authority.

32 Sec. 14. Each member of the commission who is not a state
33 employee is entitled to the minimum salary per diem provided by
34 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
35 for traveling expenses as provided under IC 4-13-1-4 and other
36 expenses actually incurred in connection with the member's duties
37 as provided in the state policies and procedures established by the
38 Indiana department of administration and approved by the budget
39 agency.

40 Sec. 14. Each member of the commission who is a state employee
41 is entitled to reimbursement for traveling expenses as provided
42 under IC 4-13-1-4 and other expenses actually incurred in
43 connection with the member's duties as provided in the state
44 policies and procedures established by the Indiana department of
45 administration and approved by the budget agency.

46 Sec. 15. The affirmative votes of a majority of the voting

1 members appointed to the commission are required for the
2 commission to take action on any measure, including final reports.

3 **Sec. 16. A meeting of the commission may be called by the**
4 **chairperson, the governor, or three (3) members of the commission**
5 **in a writing submitted to the chairperson.**

6 **Sec. 17. The commission shall review proposed public-private**
7 **agreements with proposed operators as provided under IC 8-15.5**
8 **and IC 8-15.7."**

9 Page 30, line 18, after "governor" insert ", the bipartisan
10 public-private partnership review commission,".

11 Page 30, between lines 19 and 20, begin a new paragraph and insert:

12 **"(b) Upon receipt of the determination under subsection (a), the**
13 **bipartisan public-private partnership review commission shall**
14 **evaluate the proposed project, the proposed public-private**
15 **agreement, and the proposed operator. The authority and all state**
16 **agencies shall cooperate with the bipartisan public-private**
17 **partnership review commission and provide the bipartisan**
18 **public-private partnership review commission with the information**
19 **that the designation review commission determines is necessary to**
20 **carry out the analysis. The analysis must cover financial and all**
21 **other benefits and costs of the proposed public-private agreement**
22 **with the proposed operator. The bipartisan public-private**
23 **partnership review commission shall submit the designation review**
24 **committee's findings and recommendations to the general assembly**
25 **in an electronic format under IC 5-14-6, the governor, and the**
26 **members of the budget committee. The recommendation must be**
27 **accompanied by sufficient supporting documentation to permit a**
28 **reader to identify the bipartisan public-private partnership review**
29 **commission's assumptions and verify the accuracy and**
30 **completeness of the bipartisan public-private partnership review**
31 **commission's analysis."**

32 Page 30, line 20, delete "(b) After" and insert "(c) If the designation
33 review committee submits a recommendation that the authority
34 enter into the proposed public-private partnership with the
35 proposed operator and after".

36 Page 30, line 28, delete "(c)" and insert "(d)".

37 Page 52, line 10, after "governor" insert ", the bipartisan
38 public-private partnership review commission,".

39 Page 52, between lines 11 and 12, begin a new paragraph and insert:

40 **"(b) Upon receipt of the determination under subsection (a), the**
41 **bipartisan public-private partnership review commission shall**
42 **evaluate the proposed project, the proposed public-private**
43 **agreement, and the proposed operator. The authority and all state**
44 **agencies shall cooperate with the bipartisan public-private**
45 **partnership review commission and provide the bipartisan**
46 **public-private partnership review commission with the information**

1 that the designation review commission determines is necessary to
 2 carry out the analysis. The analysis must cover financial and all
 3 other benefits and costs of the proposed public-private agreement
 4 with the proposed operator. The bipartisan public-private
 5 partnership review commission shall submit the designation review
 6 committee's findings and recommendations to the general assembly
 7 in an electronic format under IC 5-14-6, the governor, and the
 8 members of the budget committee. The recommendation must be
 9 accompanied by sufficient supporting documentation to permit a
 10 reader to identify the bipartisan public-private partnership review
 11 commission's assumptions and verify the accuracy and
 12 completeness of the bipartisan public-private partnership review
 13 commission's analysis."

14 Page 52, line 12, delete "(b) After" and insert "(c) If the bipartisan
 15 public-private partnership review commission submits a
 16 recommendation that the authority enter into the proposed
 17 public-private partnership with the proposed operator and after".

18 Page 52, line 19, delete "(c)" and insert "(d)".

19 Page 52, line 22, delete "(d)" and insert "(e)".

20 Page 52, line 26, delete "(b)." and insert "(c).".

21 Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 26, 2006.)

Representative Orentlicher